8.22.110 - Revocation of permits.

Any violation of this section or other city ordinances or policies, or the terms and conditions of the permit, or state laws or administrative regulations, or safety rules of the fire department, shall be grounds for the immediate revocation of the permit. All officers, agents, and employees of the eligible organization shall be responsible for compliance with all of the provisions of this section.

(Ord. No. 2424, § 1, 4-21-2014)

8.22.120 - Seizure of fireworks.

The fire chief, or the designee thereof, shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this section.

(Ord. No. 2424, § 1, 4-21-2014)

8.22.130 - Penalties for violations.

Any person violating any provisions of this section shall be guilty of a misdemeanor and shall be subject to criminal prosecution, civil remedies, administrative fines and penalties, and any other remedies available to the city for enforcement of this code.

(Ord. No. 2424, § 1, 4-21-2014)

8.22.140 - Number of fireworks stands allowed in the city.

There shall be allowed no more than one (1) fireworks stand for every two thousand five hundred (2,500) residents in the city. The number of residents shall be determined based on the most recent annual population figures provided by the state to the city as of the first day of May of each year. The number of stands allowed shall increase according to increases in population.

(Ord. No. 2424, § 1, 4-21-2014)
SEC. 10-50109.4. - COST RECOVERY.

Section 109.4 of the Fresno Municipal Code is added to read:

109.4. Cost Recovery. The Fire Chief or designee may seek recovery of any direct or indirect costs for fire prevention, fire suppression, hazardous material incident response, and protection of the public from fire and life safety hazards. Additionally, acts caused from serious negligence or carelessness, an intentional wrongful act, malice, or failure to comply with a written notice of violation will be subject to the cost recovery program set forth in Fresno Municipal Code, Chapter 1, Article 5, and the Master Fee Schedule.

(Added Ord. 2010-48, § 3, eff. 1-14-11).

SEC. 10-53302. - FIREWORKS ORDINANCE.

Section 3302 of the California Fire Code is amended to read:

3302.1. Short Title.

This Section shall be known and cited as the "Fireworks Ordinance." When used, "this Section" means the Fireworks Ordinance.

3302.2. Findings and Intent.

(a) This Section governs the imposition, enforcement, collection and administrative review of all administrative fines related to: the possession, use, storage, sale and/or display of those fireworks classified as dangerous fireworks in California Health and Safety Code, Section 12505 et seq. or the possession, use, storage, sale and/or display of Safe and Sane fireworks on or at dates, times, and/or locations other than those permitted by this Section. The administrative fines are imposed under authority of Government Code, Section 53069.4; Health and Safety Code, Section 12557; and, the police power of the City of Fresno.

(b) The issuance of an administrative citation to any person constitutes but one remedy of the City to redress violations of this Section. By adopting this Section, the City does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this Section which the City may otherwise pursue.

(c) The imposition of administrative fines under this Section shall be limited to persons who possess, use, sell and/or display, or the seizure of 25 pounds or less of dangerous fireworks or persons who possess, use, sell and/or display Safe and Sane fireworks on or at the dates, times, and/or locations other than those permitted by this Section.

(d) Administrative fines collected pursuant to this Section shall not be subject to Health and Safety Code, Section 12706. The administrative fines collected shall be allocated in compliance with Health and Safety Code, Section 12557, which requires the City to provide cost reimbursement to the California State Fire Marshal for reimbursement of costs, including, but not limited to transportation, and disposal. Regulations are to be adopted by the California State Fire Marshal setting forth this allocation. Unless and until such regulations have been adopted by the State of California, the City shall hold
in trust a $250.00 fee in addition to any fine collected to cover the reimbursement to
the California State Fire Marshal for the cost of transportation and disposal of the
dangerous fireworks. This fee is non-refundable.

(e) Due to the serious threat of fire or injury posed by the use of dangerous fireworks or
Safe and Sane fireworks on or at dates, times, and/or locations other than those
permitted by this Section, this Section imposes strict civil liability upon the owners of
residential real property for all violations of this Section existing on that property. Each
contiguous use, display, and/or possession shall constitute a separate violation and
shall be subject to a separate administrative fine.

(f) The Fire Chief or designee may seek cost recovery for any costs imposed on the Fire
Department due to negligence, an intentional wrongful act, carelessness, or malice as
set forth in Fresno Municipal Code, Chapter 1, Article 5, Article 10, Section 109.4, and
the Master Fee Schedule.

(g) This section shall not apply to the public display of fireworks in accordance with
Section 3308.

(h) This section shall not apply to the storage and handling of Safe and Sane fireworks in
accordance with the California Building Code for Class 1.4G fireworks.

3302.3. Definitions.

(a) "Dangerous fireworks" shall include any items or materials listed as such in California
Health and Safety Code, Section 12505.

(b) "Eligible organizations" means an organization or corporation, which has met all of the
following criteria continuously for a minimum of one year preceding the filing of the
application for a permit to display for sale or sell Safe and Sane fireworks.

(i) The organization and/or corporation must be a duly organized non-profit and
tax-exempt charitable, religious, civic, patriotic, or community service
organization or corporation with a current and valid 26 U.S.C Section 501(c)(3)
(19) tax exemption from the Internal Revenue Service.

(ii) The organization must be headquartered within and clearly affiliated or
identified with the City of Fresno.

(iii) The organization must be one which provides direct and regular community
services and benefits to the citizens of the City of Fresno.

(iv) The organization must hold its regularly scheduled meetings within the City of
Fresno.

(c) "Exempt fireworks" means any special item containing pyrotechnic compositions
which the California State Fire Marshal, with the advice of the State Fire Advisory
Board, has investigated and determined to be limited to industrial, commercial, and
agricultural use, or religious ceremonies when authorized by a permit granted by the
authority having jurisdiction.

(d) "Fireworks" means any device containing chemical elements and chemical
compounds capable of burning independently of the oxygen of the atmosphere and
producing audible, visual, mechanical, or thermal effects which are useful as
pyrotechnic devices or for entertainment. These items include, but are not limited to:

(i) Devices designated by the manufacturer as fireworks.

(ii) Torpedoes, skyrackets, roman candles, rockets, Daygo bombs, sparklers, party
poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and
fireworks kits.
"Safe and Sane fireworks" means any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks." All Safe and Sane fireworks shall be labeled with the Safe and Sane fireworks seal as authorized by the California State Fire Marshal.

3302.4. General Prohibition Against Possession, Sale, Use and/or Display of Fireworks.

Except as otherwise provided in this Section, no person shall possess, sell, use, display, explode or discharge any fireworks within the City of Fresno.

3302.5. Safe and Sane Fireworks: Exceptions.

(a) The sale and/or display of Safe and Sane Fireworks shall be permitted only during that period beginning at noon on June 28 and ending at noon on July 6 of the same year.
(b) Safe and Sane fireworks shall not be sold to any person under the age of sixteen (16).
(c) The use and discharge of Safe and Sane fireworks within the City of Fresno is permitted 365 days a year, between the hours of 7:00 a.m. and 10:00 p.m., except for the period of June 28 to July 6 when use and discharge will be allowed between the hours of 7:00 a.m. and 12:00 a.m.

3302.6. Safe and Sane Fireworks Permits: Permits Required.

(a) It is unlawful for any person to sell Safe and Sane fireworks within the City of Fresno without a permit issued by the Fire Chief or designee.
(b) The Fire Chief is authorized to promulgate administrative rules and procedures necessary for the successful and effective implementation of this Section including rules and procedures governing the submission of applications for permits to sell Safe and Sane fireworks, inspections of fireworks stands, operation of fireworks stands, and such regulations relating to the sale of Safe and Sane fireworks as may be necessary for the protection of life and property. Said administrative rules and procedures shall be in writing and subject to approval by the City Attorney.
(c) The Fire Chief or designee shall be responsible for reviewing applications for permits to sell Safe and Sane fireworks.

3302.7. Safe and Sane Fireworks: Applications.

(a) All organizations or corporations interested in obtaining a permit to sell Safe and Sane fireworks shall submit an application to the Fire Department on forms provided by the Fire Department. There is a non-refundable application fee established by resolution of the City Council and set forth in the Master Fee Schedule. This application fee shall be in addition to any fee or tax imposed by any other chapter or article of the Fresno Municipal Code.
(b) The Fire Chief or designee shall designate the time period when applications will be accepted.
(c) No organization shall submit more than one application. Submittal of more than one application shall be grounds for denial of all applications submitted by that organization.
(d) There shall be allowed a maximum of one fireworks stand for every five thousand (5,000) population in the City. A maximum of fifty new stands will be issued permits on an alternating two-year cycle.

(e)
Participants are selected by lottery, which shall take place at a time and location
determined by the Fire Chief or designee.

(f) The newly selected participants, as well as the previous year's participants, shall
submit additional information as required by the Fire Department which shall be
reviewed prior to issuance of any permits to sell Safe and Sane fireworks for the
upcoming fireworks season.

3302.8. Safe and Sane Fireworks: Issuance of Permits.

(a) No permit to sell Safe and Sane fireworks shall be issued to any organization except
non-profit and tax-exempt organizations or corporations organized primarily for
charitable, religious, civic, patriotic, or community service as defined in Section 10-
53302.3(b).

(b) Upon notification that the organization has been selected by lottery to participate in
the upcoming fireworks season, each organization shall provide additional information
as required by the Fire Department including, but not limited to:

(i) A non-refundable fee established by resolution of the City Council and set forth
in the Master Fee Schedule. This fee shall be in addition to any fee or tax
imposed by any other chapter or article of the Fresno Municipal Code.

(ii) An executed Indemnification and Hold Harmless Agreement as required by the
City's Risk Manager or the Risk Manager's designee.

(iii) Throughout the life of the permit, the applicant shall pay for and maintain in full
force and effect policies of insurance as required by the City's Risk Manager or
Risk Manager's designee. The policies of insurance shall name the City, its
officers, officials, agents, employees and authorized volunteers as additional
insured. The applicant shall submit proof of insurance in a manner authorized
by the City's Risk Manager or Risk Manager's designee.

(iv) Other information as may be required by the Fire Department pursuant to
administrative rules and procedures promulgated by the Fire Chief pursuant to
Section 10-53302.6(b).

(c) Permits shall be issued upon review of all information submitted by the organization
and inspection and approval of the organization's temporary fireworks stand.

3302.9. Safe and Sane Fireworks: Operator Safety Seminar.

Each year, one or more representatives from each organization that is granted a permit to
sell or display fireworks shall attend a stand operator safety seminar conducted by the City of
Fresno Fire Department or the fireworks industry. Failure of an organization to have a responsible
individual attend the seminar shall result in the revocation of the permit.

3302.10. Revocation of Permits.

The Fire Chief or designee may revoke the permit of any organization that violates the
provisions of this Section or any rules or regulations promulgated pursuant to Section 10-53302.6
(b). Notice of revocation shall be made in writing by the Fire Department to the organization. The
Fire Chief or his designee may reinstate a permit upon proof that the permit holder is in compliance
with all provisions and rules pertaining to this Section.

3302.11. Administrative Fines.

In addition to any other remedy available at law, any person or entity who possesses, uses,
stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, sells
and/or displays Safe and Sane fireworks on or at dates, times, or locations other than those permitted by this Section are subject to an administrative fine of not less than one-thousand dollars ($1,000.00).


The Fire Chief or designee shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Section. Such seizure shall be subject to cost recovery in accordance with Section 109.4.

3302.13. Appeals.

(a) A citation issued for failure to comply with the provisions of this Section shall be appealed pursuant to Fresno Municipal Code, Chapter 1, Article 4.
(b) The denial of an application for a fireworks permit shall be appealed pursuant to Fresno Municipal Code, Chapter 1, Article 4. If no appeal is filed within the time prescribed, the action of the Fire Chief or designee shall be final.
8.22.010 - Short title.

This section shall be known and cited as the "Fireworks Ordinance." When used in this chapter, the phrase "this section" means the Fireworks Ordinance.

(Ord. No. 2424, § 1, 4-21-2014)

8.22.020 - Findings and intent.

(a) This section governs the imposition, enforcement, collection and administrative review of all administrative fines related to: the possession, use, storage, sale and/or display of those fireworks classified as dangerous fireworks in California Health and Safety Code, Section 12505 et seq. or the possession, use, storage, sale and/or display of safe and sane fireworks on or at dates, times, and/or locations other than those permitted by this section. The administrative fines are imposed under authority of Government Code; Section 53069.4; California Health and Safety Code, Section 12557; and, the police power of the City of Merced.

(b) The issuance of an administrative citation to any person constitutes but one (1) remedy of the city to redress violations of this section. By adopting this section, the city does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this section which the city may otherwise pursue.

(c) The imposition of administrative fines under this section shall be limited to persons who possess, use, sell and/or display, or the seizure of twenty-five (25) pounds or less of dangerous fireworks or persons who possess, use, sell and/or display safe and sane fireworks on or at the dates, times, and/or locations other than those permitted by this section.

(d) Administrative fines collected pursuant to this section shall not be subject to California Health and Safety Code, Section 12706. The administrative fines collected shall be allocated in compliance with California Health and Safety Code, Section 12557, which requires the city to provide cost reimbursement to the California State Fire Marshal for reimbursement of costs, including, but not limited to transportation, and disposal. Regulations are to be adopted by the California State Fire Marshal setting forth this allocation. Unless and until such regulations have been adopted by the State of California, the city shall hold in trust a two-hundred-fifty dollar ($250.00) fee in addition to any fine collected to cover the reimbursement to the California State Fire Marshal for the cost of transportation and disposal of the dangerous fireworks. This fee is non-refundable.

(e) Due to the serious threat of fire or injury posed by the use of dangerous fireworks or safe and sane fireworks on or at dates, times, and/or locations other than those permitted by this section, this section imposes strict civil liability upon the owners of residential real property for all violations of this section existing on that property. Each contiguous use, display, and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.

(f) The fire chief or designee may seek cost recovery for any costs imposed on the fire department due to negligence, an intentional wrongful act, carelessness, or malice as set forth in Merced Municipal Code Master Fee Schedule.

(g) In addition to any other remedy available by law, any person or entity who possesses, uses, stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, sells and/or displays safe and sane fireworks on or at dates, times, or locations other than those permitted by this section are subject to an administrative fine of not less than one thousand dollars ($1,000.00) for first violation, one thousand five hundred dollars ($1,500.00) for second violation and two thousand dollars ($2,000.00) for any subsequent violation in a twelve-month period.

(Ord. No. 2424, § 1, 4-21-2014)
8.22.030 - Definitions.

For the purposes of this section, unless otherwise apparent from the context, certain words and phrases used in this section are defined as follows:

a. "Dangerous fireworks" means any fireworks specified as such in the State Fireworks Law, California Health and Safety Code Sections 12505 and 12561, and such other fireworks as may be determined to be dangerous by the state fire marshal.

b. "Eligible organization" means an organization which has met all of the following criteria for a continuous period of not less than one (1) full year preceding submittal of an application for the permit required by this section (and which continues to do so thereafter):

(1) The organization is exempt from federal income tax pursuant to the provisions of Internal Revenue Code Sections 501(c) (3), (4), (6), (7), (8), (10), (19), (23), or (26), or Section 501(d), or Section 501(e);

(2) The organization must be headquartered within and clearly affiliated or identified with Merced;

(3) The organization must be one which provides direct and regular community services and benefits to the citizens of the city; and,

(4) The organization must hold its regularly scheduled meetings within the city.

"Eligible organization" also means any for-profit organization that obtained a permit to sell safe and sane fireworks and actually operated a fireworks stand in the city during the 2013 season with future eligibility being contingent upon obtaining successive, annual permits, and operating each successive season. A for-profit organization shall become permanently ineligible if the organization fails to obtain a permit and/or to operate a fireworks stand in any given year.

c. "Exempt fireworks" means any special item containing pyrotechnic compositions which the California State Fire Marshal, with the advice of the state advisory board, has investigated and determined to be limited to industrial, commercial, and agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

d. "Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. These items include but are not limited to:

- Devices designated by the manufacturer as fireworks.
- Torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, papercaps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

e. "Safe and sane fireworks" as defined in California Health and Safety Code Section 12529, means any fireworks which do not come within the definition of 'dangerous fireworks' or 'exempt fireworks.' All safe and sane fireworks shall be labeled with the safe and sane fireworks seals as authorized by the California State Fire Marshal.

f. "Stand" means any building, counter, or other structure of a temporary nature used in the sale or offering for sale of fireworks pursuant to a permit duly issued.
(Ord. No. 2424, § 1, 4-21-2014)

8.22.040 - Permits for public displays of fireworks.

The fire chief or designee shall have authority to adopt reasonable rules and regulations for the granting of permits for those activities contained in California Health and Safety Code, Section 12640, including supervised public displays of fireworks by a jurisdiction, fair association, amusement park, other organizations, or for the use of fireworks by artisans in pursuit of their trade. Each such use or display shall be handled by a licensed pyrotechnic operator as defined by California Health and Safety Code, Section 12527, and shall be of such character and so located, discharged or fired as in the opinion of the fire chief, after proper investigation, will not be hazardous to property or endanger any person.

(Ord. No. 2424, § 1, 4-21-2014)

8.22.050 - Permits for the sale of safe and sane fireworks.

It shall be unlawful for any person to possess, store, to offer for sale, or sell at retail any fireworks in the city other than safe and sane fireworks, with the exception of those activities provided for in Section 8.22.040 of this section. It shall be unlawful to possess, store, offer for sale, or sell at retail safe and sane fireworks in the city without first obtaining a permit therefor. The fire chief shall have the authority to adopt reasonable rules and regulations for the granting of permits for the sale of safe and sane fireworks by eligible organizations. The fire chief shall also have the authority to adopt reasonable rules and regulations for the safe operation of firework stands. Such rules and regulations shall be made available upon request from the fire department.

(Ord. No. 2424, § 1, 4-21-2014)

8.22.060 - Applications for permits to sell and store safe and sane fireworks.

Permits to sell and store safe and sane fireworks shall be issued by the fire department.

(a) All applications for permits shall be in writing and delivered to the fire chief on forms supplied by the fire department, and shall include all documentation and proof required by the rules and regulations established by the state fire marshal and the fire chief. All application materials must be complete to be received.

(b) Applications may be filed beginning the first regular business day of February of each year up to and including five p.m. on the first day of May of the same year. No applications shall be received after five p.m. on the first day of May, unless that day falls on a holiday or weekend—then the deadline shall be five p.m. on the next business day.

(c) Such applications shall be signed by a bona fide officer of the eligible organization wherein the officer, on behalf of the organization and its agents, shall agree to abide by all state laws, all administrative regulations, all city ordinances, all rules and regulations promulgated by the fire chief and the terms and conditions of the permit if permission to operate a fireworks stand shall be granted to the organization.

(d) Applications shall identify the name of the organization, the organization form, the address of the principal meeting place, number of members, the purpose of the organization or corporation and the date it came into existence within the city.

(e) Application Fees. There is a non-refundable application fee established by resolution of the city council and set forth in the master fee schedule. This application fee shall be in addition to any other chapter or article of the Merced Municipal Code.
(Ord. No. 2424, § 1, 4-21-2014)

8.22.070 - Issuance of permits.

(a) Only eligible organizations as defined in Section 8.22.030(b) will be permitted to sell and store safe and sane fireworks. Each of the eligible organizations that were issued permits and operated a stand in the year 2013 (including for-profit organizations), and that submit the required fee and a complete application acceptable to the fire chief or designee by the filing deadline in 2014 pursuant to Section 8.22.060, shall be granted a permit to operate a stand in the year 2014. Thereafter, an organization granted a permit in any given year shall be granted a permit in each subsequent year, so long as this section remains in effect and the organization continues to: (1) be an eligible organization, (2) timely submit complete applications annually, and (3) operate annually without the occurrence of any act or omission that could subject the permittee to revocation of a permit pursuant to Section 8.22.110.

(b) In order for the fire chief or designee to issue permits to additional organizations when additional permits become available, the fire chief or designee shall establish and maintain a priority list of eligible organizations. The fire chief or designee shall issue available permits based upon the ranking of organizations on the priority list. The organization ranked first on the priority list shall be issued the next available permit. The priority list in any given year shall include the names of the organizations that did not operate a stand in the previous year and have submitted a complete application for a permit prior to the application deadline for that given year. The order of placement on the priority list shall be determined by lottery conducted pursuant to reasonable rules and regulations promulgated by the fire chief. The rules shall provide for the type of lottery to be used, the date and time the lottery shall be conducted, notice to the participating organizations, and any other terms that the fire chief deems to be appropriate.

(c) Once the priority list is established, an organization on the list shall maintain its priority position from year to year with respect to organizations in a lesser position of priority on the list and with respect to organizations being added to the list through subsequent lotteries so long as this section remains in effect and the organization continues to (1) be an eligible organization, and (2) timely submit complete applications annually.

(d) Each year, upon notification that the organization has been selected to participate in the upcoming fireworks season, each organization shall provide additional information as required by the fire department including, but not limited to:

(1) Each approved organization shall submit a permit fee or additional fees recommended by the fire chief and approved by the city council by resolution to cover all of the costs and expenses of the city related to the permitting of the sales of fireworks, including, but not limited to, "standby" and cleanup costs incurred by the city. Any permit issued pursuant to this section shall be nontransferable, and shall be valid only as to the applicant and location provided on the application for such permit.

(2) An executed indemnification and hold harmless agreement as required by the city's risk manager or the risk manager's designee.

(3) Throughout the life of the permit, the applicant shall pay for and maintain in full force and effect policies of insurance as required by the city's insurance division. The policies of insurance shall name the city, its officers, officials, agents, employees and authorized volunteers as additional insured. The applicant shall submit proof of insurance to the fire department.

(4) Other information as may be required by the rules and regulations of the city fire department.

(5) Prior to issuance of a fire permit for the sales and storage of safe and sane fireworks, each year, one (1) or more representatives from each organization shall attend a stand operator safety seminar conducted by the fire department. Failure of an organization to have a responsible individual attend the seminar shall disqualify the organization from receiving a fireworks sales permit.
(6) Fireworks Stands. When all the application requirements have been completed, fees have been paid and the fireworks stand location has been approved, the fire department shall authorize the erection of a fireworks stand. A fireworks stand must be inspected and approved by the fire chief, or designee, prior to the sale of any fireworks from such stand. No retail sales of safe and sane fireworks shall be permitted except from approved temporary fireworks stands. The sale from any other building or structure is prohibited.

(Ord. No. 2424, § 1, 4-21-2014)

8.22.080 - Permits.

Permits will be effective only when delivered by the fire department after the final inspection of the stand shows compliance with all the requirements established by the fire chief for the operation of a fireworks stand and the applicant has paid the required permit fee. Each approved organization shall submit to the finance office a permit fee or additional fees recommended by the fire chief and approved by the city council by resolution to cover all of the costs and expenses of the city related to the permitting of the sales and storage of fireworks, including, but not limited to, "standby" and cleanup costs incurred by the city. Any permit issued pursuant to this section shall be nontransferable, and shall be valid only as to the applicant and location provided on the permit issued by the city fire department.

(Ord. No. 2424, § 1, 4-21-2014)

8.22.090 - Operating hours of fireworks stands.

Fireworks stands may be operated only from the hours of six a.m. until ten thirty p.m. on and between Sundays and Thursdays with the exception of the third and fourth day of July, and may be operated from six a.m. until twelve a.m. on Fridays, Saturdays, and on the third and fourth day of July.

(Ord. No. 2424, § 1, 4-21-2014)

8.22.100 - Prohibitions.

It shall be unlawful to:

(a) Obtain or use more than one (1) permit or to operate more than one (1) stand in the city per year;

(b) Sell fireworks in the city earlier than noon on the twenty-eighth day of June or later than noon on the sixth day of July;

(c) Use or explode any fireworks in the city earlier then noon on the twenty-eighth day of June or later than noon on the sixth day of July without a permit issued by the fire chief or designee for public displays of fireworks;

(d) Sell fireworks to persons under the age of sixteen (16) years old;

(e) Sell, assign, or in any way transfer a permit to operate a fireworks stand, or a place or position on the permit waiting list, to another organization, individual, or entity;

(f) Use or explode any fireworks inside a building other than an outdoor stadium; or,

(g) Fail to dismantle and remove any stand or structure of any nature where fireworks are sold or offered for sale no later than the eighth day of July at five p.m.

(Ord. No. 2424, § 1, 4-21-2014)
“Dangerous fireworks” includes all of the following:

(a) Any fireworks which contain any of the following:
   (1) Arsenic sulfide, arsenates, or arsenites.
   (2) Boron.
   (3) Chlorates, except:
      (A) In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.
      (B) In caps and party poppers.
   (C) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.
   (4) Gallates or Gallic acid.
   (5) Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).
   (6) Mercury salts.
   (7) Phosphorous (red or white except that red phosphorus is permissible in caps and party poppers).
   (8) Picrates or picric acid.
   (9) Thiocyanates.
   (10) Titanium, except in particle size greater than 100-mesh.
   (11) Zirconium.

(b) Firecrackers.

(c) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.

(d) Roman candles, including all devices which discharge balls of fire into the air.

(e) Chasers, including all devices which dart or travel about the surface of the ground during discharge.

(f) Sparklers more than 10 inches in length or one-fourth of one inch in diameter.

(g) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-fookers, cigarette loads, exploding golf balls, and trick matches.

(h) Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.

(i) Torpedoes of all kinds which explode on impact.

(j) Fireworks kits.